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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/564,062	01/10/2006	Hiroyuki Kikkoji	278414US6PCT	3969
22850 7590 06/18/2007 OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER FUTEL, GAYLA S	
			ART UNIT 2609	PAPER NUMBER
			NOTIFICATION DATE 06/18/2007	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdocket@oblon.com
oblonpat@oblon.com
jgardner@oblon.com

Office Action Summary

Application No.

10/564,062

Applicant(s)

KIKKOJI ET AL.

Examiner

Gayla Futel

Art Unit

2609

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-11, 13 and 14 is/are rejected.
- 7) ☒ Claim(s) 4 and 12 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 01/10/2006, 05/08/2006.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claim 14 rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claim teaches "an information setting program for making a computer execute a processing of setting a reception frequency..." The program is non-statutory subject matter.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claim 14 is rejected under 35 U.S.C. 102(b) as being anticipated by Lyons (US Patent No. 6,282,412). Lyons anticipates an information setting program for making a computer execute a processing of setting a reception frequency of a broadcast signal comprising:

- A setting information transmission step of transmitting setting information concerning broadcast reception of the reproducing apparatus itself and set by a

Art Unit: 2609

user (**Col. 3, lines 6-9**), to an external device (**Col. 3, lines 9-13; a server of the master database; Col. 3, lines 2-5**),

- A list information reception step of receiving list information as a list including broadcast station names, broadcast station identification information, and frequencies of receivable broadcast stations corresponding to the setting information (**Col. 3, lines 13-14**),
- A display step of displaying the broadcast station names in the received list information, and
- A recording step of recording parts of the received list information onto a recording medium, based on a user's input, with the parts linked to each other (**Col. 3, lines 13-16**).

Since the setting information is input into a personal computer having a modem and an application program is used to select from the database the stations for the user's route, it is inherent that the broadcast station names in the received list information is displayed.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2609

5. Claims 1-3 and 5-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miyake et al. (US Patent No. 5,898,910) in view of Lyons (US Patent No. 6,282,412).

6. Regarding claims 1 and 9, Miyake et al. teaches the reproducing apparatus and information setting method capable of receiving and reproducing a broadcast signal selected by calling a reception frequency set in advance, characterized by comprising:

- Broadcast signal reception means for receiving a broadcast signal of a specific frequency (**Col. 5, lines 7-9**);
- Broadcast signal reproducing means for reproducing the broadcast signal received by the broadcast signal reception means (**Col. 5, lines 12-13**);
- Setting information transmission means for transmitting setting information concerning broadcast reception of the reproducing apparatus itself and set by a user (**Fig. 1, #16; Col. 5, lines 16-21. The control circuit receives setting information from the decoder and reproducing circuit and from there sends the information to different devices**);
- List information reception means for receiving list information, as a list including broadcast station names of receivable broadcast stations corresponding to the setting information, broadcast station identification information of the stations, and frequencies of the stations (**Col. 5, lines 27-31**);
- Display means for displaying the names of the broadcast stations included in the list information received by the list information reception means (**Col. 6, lines 46-52**); and

Art Unit: 2609

- Recording means for recording parts of the received list information onto a recording medium, based on a user's input with the parts linked to each other (**Col. 6, lines 19-22**).

However, Miyake et al. fails to teach that the setting information transmission means transmits the setting information to an external device or receiving list information from the external device. Lyons teaches a receiver that has memory that stores a list of broadcast information. This memory gains its information from an external server database (**Col. 2, line 66-Col. 3, line 2**) based on the setting information provided by a user. The data associated with the setting information is sent to a computer and updates the memory through a memory card interface (**Col. 3, lines 14-17**). The memory is accessed and displays information based on the broadcast signal that is received (**Col. 3, lines 24-27**). It would have been obvious to one of ordinary skill in the art at the time of the invention to use the control circuit of Miyake et al. to transmit setting information to the external server database of Lyons. The motivation being by sending and receiving the setting information from the external database allows the memory of Miyake et al. to be a memory device that can be changed and hold only broadcast information related to the position of the receiver.

7. Regarding claims 2 and 10, Miyake et al. and Lyons teach the reproducing apparatus and information setting method of claims 1 and 9 as stated above. Miyake et al. further teaches a frequency specify means for varying the reception frequency of the broadcast signal reception means to specify a frequency at which the broadcast signal is received (**Col. 6, lines 55-59**). Miyake et al. also teaches the recording means

Art Unit: 2609

records (**Col. 6, lines 19-22**) such a frequency that agrees with any of the frequencies included in the list information received by the list information reception means (**Col. 6, lines 14-18**), among frequencies specified by the frequency specify means, and at least a broadcast station name and broadcast station identification information in the list information, onto the recording medium (**Col. 6, lines 23-34; where the grid code is the broadcast station call sign code, the PI code identifies the broadcast station, and the PTY code is the format code**), with the frequency, broadcast station name, and broadcast station identification information automatically linked to each other (**Col. 6, lines 25-27**).

8. Regarding claim 3 and 11, Miyake et al. and Lyons teach the reproducing apparatus and information setting method of claims 2 and 10 as stated above. Miyake et al. further teaches the recording means further records remaining frequencies that disagree with the frequencies in the list information received by the list information reception means, among the frequencies specified by the frequency specify means (**Col. 8, lines 48-54**), and at least remaining broadcast station names and remaining broadcast station identification information in the list information, onto the recording medium, with the remaining frequencies, the remaining broadcast station names, and the remaining broadcast station identification information linked to each other based on a user's input (**Col. 8, line 54-57**).

9. Regarding claim 5, Miyake et al. and Lyons teach the reproducing apparatus of claim 1 as stated above. Lyons further teaches the setting information has been inputted in advance by the user and recorded (**Col. 3, lines 8-9**).

Art Unit: 2609

10. Regarding claim 6, Miyake et al. and Lyons teach the reproducing apparatus of claim 1 as stated above. Lyons further teaches the setting information is inputted by the user immediately before being transmitted by the transmission means (**Col. 3, lines 8-14**).

11. Regarding claim 7, Miyake et al. and Lyons teach the reproducing apparatus of claim 1 as stated above. Lyons further teaches the setting information includes area information indicative of an area where the reproducing apparatus receives broadcasts (**Col. 3, lines 8-10**).

12. Regarding claim 8, Miyake et al. and Lyons teach the reproducing apparatus of claim 1 as stated above. Miyake et al. further teaches the reproducing apparatus characterized by further comprising:

- Identification information transmission means for transmitting the broadcast station identification information included in the list information recorded by the recording means, to the external device (**Col. 8, lines 12-17; the control circuit performs read-out control on the memory**); and
- Position information reception means for receiving, from the external device, position information indicative of a position of a provider on a network (**Col. 8, lines 17-20**), which provides related information related to the broadcast contents of broadcast stations corresponding to the broadcast station identification information transmitted from the identification information transmission means (**Col. 8, lines 1-5; the data containing broadcast**

identification information is sent to the apparatus after the comparison control in the control circuit).

13. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Miyake et al. (US Patent No. 5,898,910) in view of Lyons (US Patent No. 6,282,412) and in further view of Yamashita (US Pre-Grant Publication No. 2003/0027520).

14. Miyake et al. teaches a reproducing apparatus that receives and reproduces a broadcast signal (**Col. 5, lines 7-9, 12-13**) that transmits setting information concerning broadcast reception of the reproducing apparatus itself (**Fig. 1, #16; Col. 5, lines 16-21. The control circuit receives setting information from the decoder and reproducing circuit and from there sends the information to different devices**) and the reproducing apparatus displays the broadcast station names included in the received list information (**Col. 6, lines 46-52**), and records part of the received list information on to a recording medium based on an input, with the parts linked to each other (**Col. 6, lines 19-22**).

15. However, Miyake et al. fails to teach the setting information being transmitted together with user ID and a password to a portal server, the portal server which issues an authentication ticket to allow the reproducing apparatus to access plural service servers performs an authentication processing, based on the user ID and the password, and transmits list information as a list including broadcast station names of receivable broadcast stations corresponding to the setting information, broadcast station identification information of the stations, and frequencies of the stations, when allowing authentication.

Art Unit: 2609

16. Lyons teaches a receiver that has memory that stores a list of broadcast information. This memory gains its information from an external server database (**Col. 2, line 66-Col. 3, line 2**) based on the setting information provided by a user. The data associated with the setting information is sent to a computer and updates the memory through a memory card interface (**Col. 3, lines 14-17**). The memory is accessed and displays information based on the broadcast signal that is received (**Col. 3. lines 24-27**).

17. It would have been obvious to one of ordinary skill in the art at the time of the invention to use the control circuit of Miyake et al. to transmit setting information to the external server database of Lyons. The motivation being by sending and receiving the setting information from the external database allows the memory of Miyake et al. to be a memory device that can be changed and hold only broadcast information related to the position of the receiver.

18. The combination of Lyons and Miyake et al. teach a reproducing apparatus which receives and reproduces a broadcast signal transmits setting information concerning broadcast reception of the reproducing apparatus itself to a portal server and the server transmits list information as a list including broadcast station names of receivable broadcast stations corresponding to the setting information, broadcast station identification information of the stations, and frequencies of the stations. However, neither reference teaches the setting information is transmitted together with a user ID and a password or the server issues an authentication ticket to allow the reproducing apparatus to access plural service servers performs an authentication processing.

Art Unit: 2609

19. Yamashita teaches a terminal device (**Fig. 2, #4**) that transmits information through a communication channel to a server system (**Paragraph 57, lines 4-6**). The server system transmits data that requests a password (**Paragraph 59, lines 6-9**). Once the password is verified, the system transmits the requested information (**Paragraph 60, lines 2-5**).

20. It would have been obvious to one of ordinary skill in the art at the time of the invention to use the user authentication method of Yamashita with the reproducing apparatus of Lyons and Miyake et al. The reproducing apparatus of Lyons and Miyake et al. interacts with a server database to get information about the different broadcast stations in a particular area. Lyons and Miyake et al. teach that the information regarding the broadcast station identification can be based upon a particular route. This information can be offered as a premium service by the broadcast provider, which would require the authentication method of Yamashita.

Allowable Subject Matter

21. Claims 4 and 11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

22. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Tanaka et al. (US Pre-Grant Publication No. 2005/0203992)

Art Unit: 2609

- Potrebic et al. (US Patent No. 7,200,611)
- Sueyoshi et al. (US Patent No. 7,050,870)
- Mankovitz (US Reissued Patent No. RE38,600)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gayla Futel whose telephone number is 571-270-3008. The examiner can normally be reached on Mon-Thur 7:00 am - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

GF


CHRIS KELLEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600